

HIGH COURT OF JUDICATURE CHHATTISGARH :: BILASPUR

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**SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, C.J.**  
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**WRIT PETITION No.3321 of 2005**

**PETITIONER**

Smt. Girija Bai wife of Bharat Lal  
 Kurre, aged about 40 years, by caste  
 Satnami, resident of village  
 Jarhapara, Kheda, Tah. Navagarh,  
 District Durg (C.G.)

**Vs.**

**RESPONDENTS**

1. The Appellate Authority/Sub-Divisional Officer (Revenue) Bemetara, Distt. Durg (C.G.)
2. Tilak Koshle, son of Bathal Koshle, R/o village Sonpuri, Tahsil Navagarh, Distt. Durg (C.G.)

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**Present:** Shri P.K. Tulsiyan, learned counsel for the petitioner.  
 Shri Sudhir Verma, learned counsel for the respondent No.2.  
 Shri Utkarsh Verma, learned Dy. G.A for the State/  
 respondent No.1  
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**ORAL ORDER**  
**(Passed on 22<sup>nd</sup> December 2005)**

The Second respondent herein preferred an appeal to the first respondent against order dated 14.10.2004, passed by the Asst. Registration Officer, Bemetara, District Durg by which the Asst. Registration Officer has included the name of the petitioner in the voters list of Gram Panchayat, Ghorha, Tah. Navgarh, Dist. Durg. The first respondent having entertained the appeal issued notices to the petitioner Smt. Girija Bai. The said notice was not served on the petitioner in person, but it was allegedly served on the husband of the petitioner. It is the case of the petitioner that since she was not served with the notice by the first respondent, she did not attend the proceedings initiated by the

first respondent and in the circumstance, ex-parte order was passed by the first respondent on 10.12.2004. In the circumstance, the petitioner filed an application for setting aside ex-parte order dated 10.12.2004 and the first respondent has rejected the said application for setting aside the ex-parte order by his order dated 21.06.2005, marked as Annexure-P/3.

(2) Having heard the learned counsel for the parties, I am of the considered opinion that the petitioner has had no fair opportunity to contest the appeal preferred by the 2<sup>nd</sup> respondent before the first respondent. Admittedly, the notice issued by the first respondent was served on the husband of the petitioner and not on the petitioner in person. In that view of the matter, I think it is fair that the petitioner should be given a fair opportunity to contest the appeal preferred by the 2<sup>nd</sup> respondent before the first respondent on merit. On that short ground, I allow the writ petition setting aside the order dated 21.06.2005 (Annexure-P/3) as well as ex-parte order dated 10.12.2004, marked as Annexure-P/1 and the appeal preferred by the 2<sup>nd</sup> respondent is restored to file of the first respondent. The first respondent is directed to dispose of the appeal after giving reasonable opportunity to the petitioner as well as to the respondent. There shall be no order as to costs.

Sd/-  
Chief Justice

Subh